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10/26/2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ILLINOIS
7TH CIR DIVISION

DARCY D. BEL
(Full Name)

PLAINTIFF

vs.

KANE COUNTY JAIL et al.

Sheriff PATRICK B. Perez

SGT. CHRIS DUCAY and Richard

Campbell. Sued in Their individual
and official capacity

DEFENDANTS

CIVIL RIGHTS COMPLAINT
(42 U.S.C §1983, §1985)

12CV7058

JUDGE KENDALL

MAGISTRATE KIM

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☒ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF DARCY D. BELL
IS A CITIZEN OF THE STATE OF ILLINOIS

PRESENT MAILING ADDRESS: 2600 N. BRINTON AV
DIXON IL 61021

3. NAME OF FIRST DEFENDANT PATRICK B. Perez
IS A CITIZEN OF ST. Charles IL
(City and State)

IS EMPLOYED AS Sheriff at KANIE CC
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

A JAIL OR PRISON OFFICIAL generally act under
COLOR OF STATE law whenever he IS "on The
job"

4. NAME OF SECOND DEFENDANT Chris Ducay
(If applicable)

IS A CITIZEN OF Illinois
~~Illinois~~
(City and State)

IS EMPLOYED AS Sergeant at KANE.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

A JAIL OR PRISON OFFICIAL generally act
under color OF STATE Law whenever he
IS "on The job"

5. NAME OF THIRD DEFENDANT Richard Campbell
(If applicable)

IS A CITIZEN OF Illinois
(City and State)

IS EMPLOYED AS Correctional officer at KANE.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES X NO ____ If your answer is "YES" briefly explain.

A JAIL OR PRISON OFFICIAL generally act
under color OF STATE Law whenever he
IS "On The Job"

6. NAME OF FOURTH DEFENDANT Robinson
(If applicable)

IS A CITIZEN OF ILLINOIS
(city and State)

IS EMPLOYED AS Correctional Officer at KANE.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES X NO ____ If your answer is "YES" briefly explain.

A JAIL OR PRISON OFFICIAL generally act
under color OF STATE Law whenever he
IS "On The Job"

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

The Plaintiff was subjected to cruel and unusual
punishment in violation of the 8th Amendment of the
United State Constitution and also the 14th Amendment of
the United State Constitution. When the said Defendant's
place the Plaintiff in restraints and handcuffs and used
excessive, malicious and sadistic force against the
Plaintiff when the Defendant's force the Plaintiff in a restrain
t chair, strapped Plaintiff down, hit and punch, choke and
pepper sprayed the Plaintiff while being strapped down in restraints

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) Count I: Plaintiff was subjected to cruel and unusual punishment in violation of the Eighth Amendment to the Constitution.
- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)
The Defendant PATRICK B. Perez Ordered
That All Correctional Officer's, Sergeant, Lieutenant's
Major's ETC TO TAKE The Plaintiff and
Other Pretrial Detainee MATTRESS FROM Thire
Cells Once Pretrial Detainees are Place
on Red STATUS (segregation) causing The Pretrial Detainees
To either Sleep on The hard steel bed frame Or Floor.
- b. (1) Count II: Plaintiff was Denied Due Process under The Fourteenth AMENDMENT TO The Constitution.
- (2) Supporting Facts: The Defendants VIOLATED Plaintiff's
Fourteenth AMENDMENT rights to Due Process by CONTINUOU
-SIV keeping Plaintiff in restraints For SIXTEEN and
A half HOUR'S WITH OUT Letting The Plaintiff wash
The pepper spray out OF his Face Nor Use The Restroom
Nor Drinking Water ETC
- c. (1) Count III: Plaintiff was subjected TO cruel and
unusual punishment in violation OF The Eight Amendmen TO The
United STATE Constition.

(2) Supporting Facts: The Defendants Use excessive
Force Maliciously and Sadistically against
The PLAINTIFF WHICH WAS CAUGHT ON AUDIO
VIDEO WHEN THE DEFENDANTS, CHOKED, PUNCHED, PEPPER
SPRAYED AND HIT THE PLAINTIFF WHILE IN RESTRAINTS
AND DEPRIVED TO PLAINTIFF RESTROOM, ASMA PUMP, AND SHOWER
TO CLEAN THE PEPPER SPRAY OUT OF PLAINTIFF FACE FOR SIXTEEN AND A HALF
HOURS, E.T.C

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

THE PLAINTIFF HAS BEEN INJURED, PHYSICALLY,
EMOTIONALLY, PSYCHOLOGICALLY, MENTALLY,
DE MINIMIS, E.T.C DUE TO THE ACTIONS
OF THE DEFENDANTS ATTACK ON THE
PLAINTIFF CAUSING PHYSICAL HARM
AND INJURY'S TO THE PLAINTIFF.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?
YES ☐ / NO ☒. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

- a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- b. Name of court and case or docket number: _____

c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

d. Issues raised: _____

e. When did you file the lawsuit? _____
Date Month Year

f. When was it (will it be) decided? _____

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES ____ / NO _____. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

F. REQUEST FOR RELIEF

1. I believe that I am entitled to the following relief:

A.) Declare That The acts and omissions
described herein violated Plaintiff's rights
under The CONSTITUTION and Laws OF The united STATES;
B.) order Defendants TO pay compensatory,
Nominal and Punitive Damages;
C.) order Defendants TO pay reasonable Attorney Fees and cost;
and D.) Grant other JUST and equitable relief That
This Honorable court deems necessary.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at DIXON C.C. on 8/21/ 2012.
(Location) (Date)

Dancy Bell
Signature

STATEMENT OF FACTS / DISCOVERY pertaining to case

ON THE DATE OF: 11/3/11, I, DARCY D. BELL WAS Remanded FROM THE DIXON CORRECTIONAL CENTER JAIL TO THE KANE COUNTY JAIL DO TO AN PENDING CASE THAT WAS PENDING AGAINST HIM. ON THE DATE OF 11/23/11 THE PLAINTIFF IN THIS SAID LAWSUIT WAS REMOVED FROM HIS LIVING UNIT (DECK LOCATION IN THE JAIL) ON E-POD AT THE KANE COUNTY JAIL FOR UNKNOWN REASONS. TO ANOTHER LOCATION AT THE KANE COUNTY JAIL WHICH WAS THE MAXIMUM SEGREGATION UNIT LOCATED ON THE FIRST FLOOR OF THE JAIL (KNOWN AS RED STATUS) FOR SEGREGATED DETAINEE LOCATED ON F-POD (A LIVING AREA) OF THE KANE COUNTY JAIL. ON THE DATE OF 11/23/11 AT APPX 6 AM, THE KANE COUNTY OFFICER'S WAS CONDUCTING ROUNDS AND TAKING DETAINEE MATTRESSES AND BLANKETS ETC. UPON ARRIVING TO MY CELL # 31 OF THE SEGREGATED UNIT THE OFFICER'S CAME TO ME ASKING FOR MY MATTRESSES ETC. UPON ASKING WHY I WAS TOLD THAT IT WAS PART OF THEIR PROTOCOL EVERY DAY FROM THE SHERIFF TO MAKE US SLEEP ON THE FLOOR OF THE JAIL OR THE HARD ^{METAL} ~~WOOD~~ BED FRAME AS PART OF OUR PUNISHMENT FOR BEING ON RED STATUS (SEGREGATION UNIT OF THE JAIL) I TOLD THE OFFICER'S THAT THIS IS A VIOLATION OF THE 8TH AMENDMENT CONSTITUTION WHICH PROTECT A PERSON FROM CRUEL -OR- UNUSUAL PUNISHMENT AND THAT I WOULD NOT GIVE UP MY MATTRESS. THE OFFICER'S CALLED FOR BAG UP AND TOLD ME THAT THEY WAS GOING TO SPRAY ME -OR- BEAT ME IF I DID NOT GIVE THEM THE MATTRESS SO I WRAPPED A TOWEL OVER MY

②

Face so that they would not harm me and spray me. When bag up came I was then handcuffed, force in a restraining chair, sprayed in the face ~~with~~ ^{with} pepper spray by the officer's while still in hand cuffs and strapped to the chair then punch in the mouth and lip and nose which bleed, then a spit mask was placed over my head. Then I was pushed in a cell and left there for hours which left me suffering but the pepper spray was still in my face and the officer's would not let me wash it out of my face. I sat like that for 15 and a half hours ~~with~~ without the opportunity of using the rest room, washing the mase out of my face and drinking water and during this time I had to use the rest room on myself multiple times E.T.C I also had an Asma Attack 3 or 4 times and was not given an inhaler. which was all caught on video camera that the court obtained. Later on that day I threaten an lawsuit. and then the officer's went to the state's attorney and file criminal charges on me as retaliation.

The foregoing things had occurred at the KANE County JAIL on 11/23/11 and was caught on video

Respectfully submitte
